

5 a mounting member projecting vertically outwardly from said inner face, said main body member having a circular perimeter,
10 a plurality of perimeter traction teeth circumferentially spaced around said circular perimeter of said main body member, each perimeter traction tooth having an outward [angle] angled outer traction tooth surface to provide lateral stability and traction through the plane of a golf swing.

Add the following new claim (to replace Claim 20):

B5
-- 21. A golf shoe cleat comprising a body member having an inner face and an outer face, a shoe-attaching member projecting perpendicularly outwardly from said inner face and said shoe-attaching member having an axis AL,
a plurality of traction teeth projecting around the perimeter of the outer face of said main body member, each traction tooth having an outer traction tooth surface, said outer tooth surface having an outward angulation relative to said axis AL to enhance lateral stability and traction through the plane of a golf swing. --

R E M A R K S

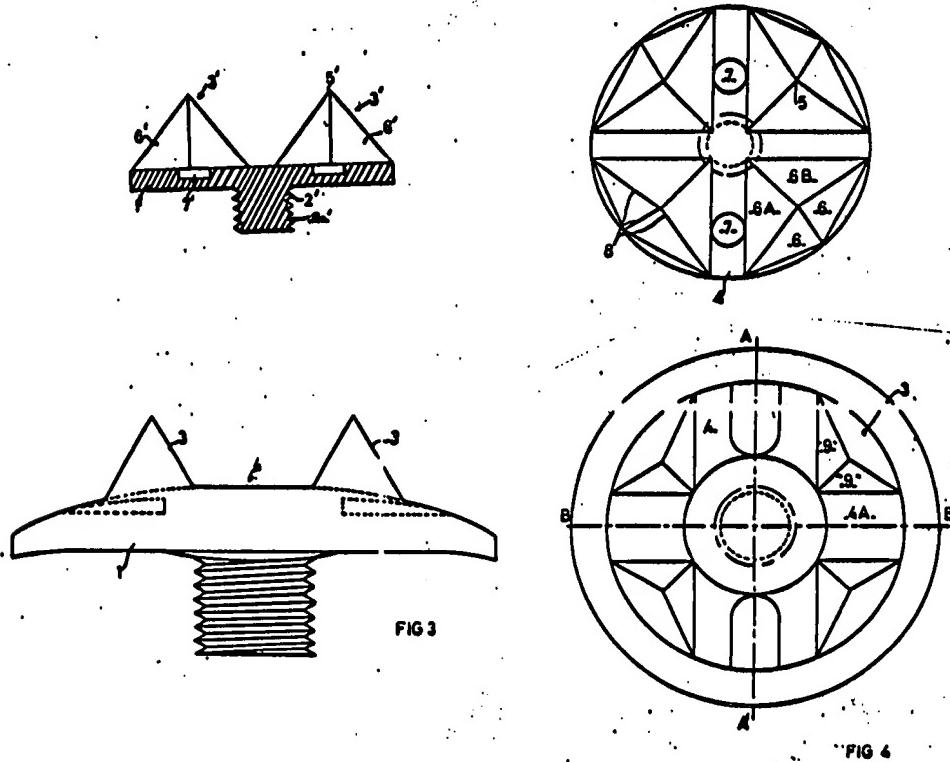
This will acknowledge the interview courteously granted to applicant and applicant's undersigned attorney on April 7, 1999.

The claims have been amended to better define the invention over the prior art, particularly Bouyer EPO 524861. In particular, the claims now require the traction teeth to have outer traction teeth surfaces which angle outwardly relative to the axis AL of the shoe mounting or attaching member.

The claims have been amended to improve the form thereof and to attend to the 35 U.S.C. §112 objection to Claim 9.

A terminal disclaimer is attached hereto with respect to applicant's Patent No. 5,794,367 thereby mooting the double-patenting rejection.

The rejection of Claims 1, 11 and 15 under 35 U.S.C. §102(b) as being anticipated by Bouyer (EPO 524861) is respectfully traversed. While Bouyer shows a cleat having a body member 1 and threaded stud or mounting member and a plurality of teeth, the teeth do not have outer surfaces with an outward angulation as defined by applicant's claims. While the interior surfaces have an outward angulation, they do not have outer surfaces of each tooth which are outwardly angled relative to the axis of the mounting member. The outer surfaces are inwardly inclined so that each tooth axis essentially is vertical to the shoe sole. See Figure 1 of Bouyer which is a sectional view of Figure 2, and Figure 1 clearly shows these teeth are not outwardly angled. Figure 3 is another side view of an embodiment of the Bouyer cleat, and it shows clearly that the teeth 3 are not outwardly angled. These figures are reproduced in reduced form below for convenience of reference:



Clearly, Bouyer's teeth are not "outwardly inclined" although they have inner surfaces which outwardly incline to form pyramidal shapes for the teeth, the outer tooth surfaces are inwardly inclined and do not provide the lateral traction and stability called for in the claims.

In the reference to Claim 19, applicant respectfully submits that the use of a fillet on the thread to lock the cleat into its receptacle is neither shown nor disclosed in any of the patents in the field of removable or replaceable golf shoe cleats or sports shoe.

The rejection of Claims 12 and 16 under 35 U.S.C. §103(a) as being unpatentable over Bouyer in view of either Johnson (US 4,327,503) or Kataoka (US 5,581,913) is respectfully traversed. Applicant respectfully submits that this rejection fails for the same reason that the rejection of Claims 1, 5 and 15 fail -- Bouyer does not show a cleat having a cleat axis which is angled outwardly in the manner claimed in applicant's parent Claims 10 and 15.

The rejection of Claims 3 and 9 under 35 U.S.C. §103(a) as being unpatentable over Bouyer in view of either Kelly (US 5,581,913) or Jordan et al (4,014,114) is respectfully traversed. Again, applicant respectfully submits that Bouyer does not show a cleat having an outward inclination. While the surfaces 6A and 6B forming part of the pyramidal shape of the teeth are outwardly inclined, the outer tooth surfaces are inwardly angulated and the tooth itself is not outwardly inclined.

The rejection of Claims 6 and 10 under 35 U.S.C. §103(a) as being unpatentable over Bouyer in view of either Kelly or Jordan '114 further in view of either Johnson or Kataoka '913 is respectfully traversed. As shown above, Bouyer does not anticipate or make obvious the subject matter of these claims because Bouyer does not have outwardly angled teeth. Bouyer's surfaces 6A and 6B form parts of a pyramid but the outer tooth surfaces of the cleat do not angle outwardly and do not provide the lateral stability and

traction functions recited in applicant's claims. Moreover, the axis of the teeth themselves as shown above by the side elevational views do not angle outwardly.

The rejection of Claims 1, 11, and 15 under 35 U.S.C. §103(a) as being unpatentable over Softspikes ("A Unique Holiday Offer") in view of Dassler (US 4,375,728) is respectfully traversed.

The Softspikes reference provided by the Examiner includes a side view sketch which shows, as the Examiner contends: "...a cleat with a threaded stud and a plurality of peripheral teeth substantially as claimed, except for the peripheral teeth being angled outwardly."

These teeth, like all the teeth in the prior art demonstrated above in the xerographic collage, are not angled outwardly. While Dassler shows outwardly angled teeth, Dassler is related to a:

"...sole made of rubber or other elastic material for shoes especially support shoes, having a tread with studs or cleats distributed at least on part of the tread with at least some of the studs or cleats being inclined relative to the tread as the studs or cleats formed with a plurality of arms at least some of which extend at an angle of about 30° - 120° with respect to each other and form an angle of about 10° - 85° with respect to a base surface of the tread." (See Abstract, lines 1 - 10.)

In his Background and Summary of the Invention, Dassler explains that the object of his invention is to provide a sole which has a high degree of slip resistance, "sole elasticity and lateral stability even on different deck surfaces, and especially on hard surfaces, such as asphalt streets or roads where sufficient shock absorption must be obtained in order to protect the runner from excessive strain." (Column 1, lines 27-31.) Thus, Dassler is directed to a sole for running shoes made of rubber or other material having elastic properties on which the sole has a base having a plurality of resiliently flexible cleats projecting

outwardly from the outer surface of the sole and at least some of the cleats having arms which are connected to each other forming multiarm structure for the studs or cleats. Finally, it is clear that Dassler does not provide for replaceable cleats or studs. As described in his specification, the studs or cleats form "preferably an integral unit, but it is basically feasible in the case of soles produced by casting to place studs or cleats 1 separately in the mold, and to recast them with the sole material." (Column 4, lines 32 - 35.)

Figs. 1 - 11 are elevation or sectional views through different cleats or studs of Dassler, but Figs. 12 and 13 are plan views showing the combination of different arms (two-arm, three-arm cleats or studs, Figure 12) and all three arms, cleats or studs (Figure 13). Clearly, there is no teaching or suggestion in this reference of golf shoe cleats having a shoe mounting member having the axis which is perpendicular to the interface and adapted to be secured in a receptacle in the golf shoe upon rotation of a shoe mounting member in the receptacle. Applicant recognizes that the Examiner's rejection is based on the Softspikes disclosure and is using Dassler, the secondary teaching, for the outward angling teeth. However, applicant respectfully submits that the combination is neither taught nor suggested by the references and, as shown by the large body of prior art references of cleats which fit into receptacles by rotation or otherwise, that the teeth all have a generally vertical axis and none angle outwardly as in the

case of applicant's claimed invention. There is no suggestion in any of the references of the combination proposed by the Examiner, e.g. the outward angulation of teeth which are on a cleat secured by rotation into the sole of a golf shoe. Of course there is nothing in the Softspikes reference which teaches or suggests angulation of the teeth. While Dassler shows angled teeth in the context of a molded sole, the teeth have multiple arms, some of which angle outwardly and some of which angle inwardly. The body of prior art reflected in the attached xerographic collage suggests that Dassler's teeth are selected from elements of the prior art to fit applicant's claim and not by what is clearly taught or suggested by the references. Moreover, The teeth of Dassler are adapted for hard surfaces, not soft turf surfaces and greens.

In the attached five-page xerographic collage of prior art cleats, particularly those related to golfing, none teaches or suggests or even hints at outward angulation of the teeth of the cleat. *

Moreover, in connection with Claims 13, 17 and 18, although applicant has no specific information regarding the Softspikes

* Most of these prior art examples are from applicant's Information Disclosure Statement. On page 3 of the attached xerographic collage, the upper two right-hand boxes contain two different examples which were inadvertently submitted as one in the Information Disclosure Statement. The upper cleat in the box is Japanese Design Patent No. 762928 which was inadvertently attached as the last page to PCT WO89/01302. A Supplemental Information Disclosure Statement identifying Japanese Design Patent No. 762928 is attached.

cleat material, it presumably has hardness specified in these claims and that the applicant does not distinguish from Softspikes on the basis of the hardness of the material. Applicant distinguishes from Softspikes on the basis that the Softspikes teeth do not angle outwardly.

Claim 12 distinguishes from the art on the grounds that the threaded mounting members have fillets. The Examiner is respectfully requested to point out a reference having fillets on a thread to prevent the cleats from loosening.

Reconsideration is respectfully requested of the rejection of Claims 2 - 5 and 7 - 9 under 35 U.S.C. §103 as being unpatentable over Softspikes and Dassler further in view of Kelly or Jordan '114. The Examiner's recitation of Kelly and Jordan '114 as having an "anti-debris ring" is not understood. These references merely refer to the rim without specifying its functional purpose. In applicant's invention, the teeth angle outwardly and operate in conjunction with the anti-debris ring to preclude the debris and grass from getting under the cleats. This function is not taught or suggested by Kelly or Jordan '114.

The rejection of Claims 6 and 10 under 35 U.S.C. §103 as being unpatentable over Softspikes, Dassler, further in view of Kelly or Jordan '114, further in view of either Johnson or Kataoka '913 is respectfully traversed. Again, these references and the secondary references do not teach or suggest the teeth with outwardly angled outer surfaces as defined in the claims. Claims 6 and 10 specify

specific tooth-shape or a configuration which is neither taught nor suggested by these references.

The rejection of Claims 10 and 16 under 35 U.S.C. §103 as being unpatentable over Softspikes and Dassler further in view of either Johnson or Kataoka '913 is respectfully traversed for reasons given above in connection with the rejection of Claims 6 and 10 under these grounds.

In view of the above, further and favorable reconsideration is respectfully requested.

Respectfully submitted,

Jim Zegeer
Jim Zegeer, Reg. No. 18,957
Attorney for Applicants

Attachment: Terminal Disclaimer (including fee authorization)
Xerographic collage of patents
Supplemental Information Disclosure Statement

Suite 108
801 North Pitt Street
Alexandria, VA 22314
Telephone: 703-684-8333

Date: April 13, 1999

In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.